

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Lucilla STEINAA et al. Conf.: 5928  
Appl. No.: 09/806,703 Group: 1644  
Filed: April 30, 2001 Examiner: Marianne DIBRINO  
For: NOVEL METHODS FOR THERAPEUTIC  
VACCINATION

Reply to Notice to Comply

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

September 5, 2003

Sir:

In response to the Office Action dated August 11, 2003, requesting a copy of the "Sequence Listing" and a Computer Readable Form of the listing, the following remarks are respectfully submitted in connection with the above-identified application.

Applicants filed an Amendment on November 13, 2001 (the Tuesday after a holiday) in response to the Notification of Defective Response mailed on October 11, 2001. This amendment included a substitute Sequence Listing as well as the Computer Readable Disk containing the listing. In addition, the amendment replaced paragraphs in the text in order to include the proper references to the SEQ ID NOs of particular sequences. We have enclosed a copy of the amendment filed as well as a copy of the USPTO dated postcard indicating that the USPTO actually received the amendment on November 13, 2001.

Applicants also include a copy of the data appearing on the Patent Application Information Retrieval (PAIR) website that indicates that the Computer Readable Form was technically good and entered into the USPTO database on November 26, 2001. In a conversation with Examiner Marianne DiBrino on Wednesday, August 26, 2003,

Examiner DiBrino confirmed that the Computer Readable Form had been entered into the database and was available. Because of this, she indicated that there was no need to submit another copy of the Computer Readable Form.

In view of the above, Applicants respectfully request acceptance of the November 13, 2001 amendment and its entry into the file.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson (Reg. No. 30,330) at 714-708-8555 in Costa Mesa, CA to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: 9/5/03  
(Date of Deposit)

BIRCH, STEWART, KOLASCH & BIRCH, LLP

J. Michael Pankko  
(Signature)  
September 5, 2003  
(Date of Signature)

LRS/SWG/sbp  
4614-0107P

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By S. J. S. #47,604  
for Leonard R. Svensson, #30,330  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment(s):      Amendment filed November 13, 2001  
                            Copy of Stamp Dated Postcard by USPTO  
                            Copy of Data Appearing on PAIR  
                            Copy of Notice to Comply

SEP 8 2003

U.S. APPLICATION NUMBER NO	FIRST NAMED APPLICANT	ATTY DOCKET NO
09/806,703	Lucilla Steinaa	3631-0109P
		INTERNATIONAL APPLICATION NO
		PCT/DK99/00525
		IA FILING DATE PRIORITY DATE
		10/05/1999 10/20/1998
CONFIRMATION NO. 5928		
371 FORMALITIES LETTER		
		
*OC000000006865061*		

Docketed 11-11-01  
Response

2292  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

Date Mailed: 10/11/2001

### NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason (s):
  - Please see the attached Raw Sequence Error Listing.
  - APPLICANT MUST PROVIDE:
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216

- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of six months.**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

CHARITTA A BURT

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Telephone: (703) 305-3734

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO	INTERNATIONAL APPLICATION NO	ATTY. DOCKET NO
09/806,703	PCT/DK99/00525	3631-0109P



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 806,703	04 30 2001	Lucilla Steinaa	3631-0109P	5928

2292 7590 08 11 2003

BIRCH STEWART KOLASCH & BIRCH  
 PO BOX 747  
 FALLS CHURCH, VA 22040-0747

4614.107P

EXAMINER

DIBRINO, MARIANNE NMN

ART UNIT	PAPER NUMBER
	1644

DATE MAILED: 08 11 2003

✓ Docketed 9/11/03  
 Sequence Listing

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

09/806 703

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
	13

DATE MAILED:

**Please find below a communication from the EXAMINER in charge of this application**

This application fails to comply with 37 C.F.R. 1.821-1.825 because for the reasons listed on the Notice to Comply with the Sequence Listing. The applicants are required to either submit a new CRF and Sequence Listing, along with a statement as enunciated in (f) below.

37 C.F.R. 1.821 (e) A copy of the "Sequence Listing" referred to in paragraph © of this section must also be submitted in computer readable form in accordance with the requirements of § 1.824. The computer readable form is a copy of the "Sequence Listing" and will not necessarily be retained as part of the patent application file. If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference may be made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified.

(f) In addition to the paper copy required by paragraph © of this section and the computer readable form required by paragraph (e) of this section, a statement that the content of the paper and computer readable copies are the same must be submitted with the computer readable form. Such a statement must be a verified statement if made by a person not registered to practice before the Office.

Any inquiry concerning this communication should be directed to Examiner **Marianne DiBrino**, Art Unit **1644**, whose telephone number is **703-308-0061**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

  
Marianne DiBrino, Ph.D.

  
CHRISTINA CHAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

Application No.: 09/806,703

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: Applicant must provide SEQ ID NO for all sequences listed in the application, such as the sequences appearing in Figure 6.

**Applicant Must Provide:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216  
For CRF Submission Help, call (703) 308-4212  
PatentIn Software Program Support (SIRA)  
Technical Assistance ..... 703-287-0200  
To Purchase PatentIn Software ..... 703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**

**REVISED AMENDMENT PRACTICE: 37 CFR 1.121 CHANGED  
COMPLIANCE IS MANDATORY - Effective Date: July 30, 2003**

All amendments filed on or after the effective date noted above must comply with revised 37 CFR 1.121. See Final Rule: **Changes To Implement Electronic Maintenance of Official Patent Application Records** (68 Fed Reg 38611 (June 30, 2003), posted on the Office's website at: <http://www.uspto.gov/web/patents/ifw/> with related information. The amendment practice set forth in revised 37 CFR 1.121, and described below, replaces the voluntary revised amendment format available to applicants since February 2003. **NOTE: STRICT COMPLIANCE WITH THE REVISED 37 CFR 1.121 IS REQUIRED AS OF THE EFFECTIVE DATE (July 30, 2003).** The Office will notify applicants of amendments that are not accepted because they do not comply with revised 37 CFR 1.121 via a Notice of Non-Compliant Amendment. See MPEP 714.03 (Rev. 1, Feb. 2003). The non-compliant section(s) will have to be corrected and the entire corrected section(s) resubmitted within a set period.

***Bold underlined italic font has been used below to highlight the major differences between the revised 37 CFR 1.121 and the voluntary revised amendment format that applicants could use since February, 2003.***

Note: The amendment practice for reissues and reexamination proceedings, except for drawings, has not changed.

**REVISED AMENDMENT PRACTICE**

**I. Begin each section of an amendment document on a separate sheet:**

Each section of an amendment document (e.g., Specification Amendments, Claim Amendments, Drawing Amendments, and Remarks) must begin on a separate sheet. Starting each separate section on a new page will facilitate the process of separately indexing and scanning each section of an amendment document for placement in an image file wrapper.

**II. Two versions of amended part(s) no longer required:**

37 CFR 1.121 has been revised to **no longer require** two versions (a clean version and a marked up version) of each replacement paragraph or section, or amended claim. Note, however, the requirements for a clean version and a marked up version for **substitute specifications** under 37 CFR 1.125 have been retained.

**A) Amendments to the claims:**

Each amendment document that includes a change to an existing claim, cancellation of a claim or submission of a new claim, **must include a complete listing** of all claims in the application. After each claim number in the listing, the status must be indicated in a parenthetical expression, and **the text of each pending claim** (with markings to show **current changes**) must be presented. The claims in the listing will replace all prior claims in the application.

- (1) The current status of all of the claims in the application, including any previously canceled, not entered or withdrawn claims, must be given in a parenthetical expression following the claim number using only one of the following seven status identifiers: (original), (currently amended), (canceled), (withdrawn), (new), (**previously presented**) and (**not entered**). The text of all pending claims, **including withdrawn claims**, must be submitted each time any claim is amended. Canceled **and not entered** claims must be indicated by only the claim number and status, without presenting the text of the claims.
- (2) The text of all claims **being currently amended** must be presented in the claim listing with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim must be shown by underlining (for added matter) or strikethrough (for deleted matter) with 2 exceptions (1) for **deletion of five characters or fewer, double brackets may be used** (e.g., **[[eroor]]**); and (2) if **strikethrough cannot be easily perceived** (e.g., **deletion of the number "4" or certain punctuation marks**), **double brackets must be used** (e.g., **[[4]]**). As an alternative to using double brackets, however, **extra portions of text may be included before and after text being deleted, all in strikethrough, followed by including and underlining the extra text with the desired change** (e.g., **number 4 as number 14 as**). An accompanying clean version is not required and should not be presented. Only claims of the status "currently amended," and "withdrawn" that are being amended, may include markings.
- (3) The text of pending claims **not being currently amended, including withdrawn claims**, must be presented in the claim listing in clean version, i.e., without any markings. Any claim text presented in clean version will constitute an assertion that it has not been changed relative to the immediate prior version except to omit markings that may have been present in the immediate prior version of the claims.

**For 3½" Disk**

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Front

Sequence Listing  
Inventor(s): L. STEINAA et al.  
Title: NOVEL METHODS FOR  
THERAPEUTIC VACCINATION  
Recorded: 13-NOV-2001  
IBM-MS DOS

Docket No.: 3631-0109p  
Application No.: 09/806,703  
Filing Date: 04-APR-2001  
File Name: "2001-11-13 3631-0109P CRF .txt"  
Birch, Stewart, Kolasch & Birch, LLP  
(703) 205-8000  
\*IDENTICAL TO PAPER COPY OF SEQUENCE  
LISTING, EXCEPT IT LACKS FORMATTING\*

Sequence Listing  
Inventor(s): L. STEINAA et al.  
Title: NOVEL METHODS FOR  
THERAPEUTIC VACCINATION  
Recorded: 13-NOV-2001  
IBM-MS DOS

Docket No.: 3631-0109p  
Application No.: 09/806,703  
Filing Date: 04-APR-2001  
File Name: "2001-11-13 3631-0109P CRF .txt"  
Birch, Stewart, Kolasch & Birch, LLP  
(703) 205-8000

\*IDENTICAL TO PAPER COPY OF SEQUENCE  
LISTING, EXCEPT IT LACKS FORMATTING\*

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Papers Filed herewith on NOV. 13, 2001 (This, after Handcarry)  
DOCKET NO: 3631-0109P ATTY: US/KNW  
APPLICANT(S): L. STEINAA et al.  
APPLN. NO: 09/806,703 FILED: April 4, 2001  
PAT NO: \_\_\_\_\_

New Application with Transmittal Letter  
 Utility  Design  CIP  PCT  Provisional  
 Filing Under 37 CFR 1.53(b)  CONT P  DIV  
 Filing Under 37 CFR 1.53(d) (CPA)   
 Filing Under 37 CFR 1.114(RCE)   
 Specification Consisting of: NOV 13 2001 (2001 pages)  
 Combined Declaration & Power of Attorney  
 Assignment / Cover Letter  
 Letter to Official Draftsman  
 Drawings \_\_\_\_\_ Sheets  Formal  Informal  Red-Ink  
 Completion of Filing Requirements, PCT/DO/EO/905  
or Formal/less Letter and Executed Declaration  
 Priority Document(s) / Cover Letter, No. Doc. \_\_\_\_\_  
 Amendment: Sequence listing  
     Transmittal Ltr  Large Entity  Small Entity  
 Response \_\_\_\_\_  
 Information Disc Stmt PTO-1449(s) \_\_\_\_\_ ref(s)  
 Notice of Appeal  Appeal Brief  
 Issue Fee Transmittal  
 FEES: \_\_\_\_\_  
 Letter: \_\_\_\_\_

Other: Paper and disk copy of sequence  
listing, copy of Notification of defective  
report, version markings

Receipt is hereby acknowledged of the papers filed as  
indicated in connection with the above identified case.

COMMISSIONER OF PATENTS AND TRADEMARKS

Due Date: Nov. 11, 2001 (Sunday)

Handcarry: \_\_\_\_\_

DOCKET NO. 3631-0109P



## UNITED STATES PATENT AND TRADEMARK OFFICE

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**PATENT APPLICATION INFORMATION RETRIEVAL****PAIR****FAQ****Help****Feedback****Other Links**[E-Business Center Patents](#)[Employee Locator](#)[Class/Subclass GAU Information](#)[Information Contacts](#)**Search results for application number: 09/806,703**

Application Number:	09/806,703	Customer Number:	2292
Filing or 371(c) Date:	04-30-2001	Status:	Non Final Action
Application Type:	Utility	Status Date:	08-08-2003
Examiner Name:	DIBRINO, MARIANNE NMN	Location:	TC 1600 CENTRAL FILES, CM1-11C1
Group Art Unit:	1644	Location Date:	08-11-2003
Confirmation Number:	5928	Earliest Publication No.:	-
Attorney Docket Number:	3631-0109P	Earliest Publication Date:	-
Class/ Sub-Class:	424/185.1	Patent Number:	-
First Named Inventor:	Lucilla Steinaa, Copenhagen V, (DK)	Issue Date of Patent:	-
Title Of Invention:	Methods for therapeutic vaccination		

**Foreign Priority****Continuity Data****Publication Review****File Contents History**

Number	Date	Contents Description
28	08-11-2003	Mail Letter Requiring CRF (Unreadable, Non-Compliant, Not Substantiated)
27	08-08-2003	CRF Diskette Unreadable / Did Not Comply / Required but Not Substantiated
26	05-07-2003	Date Forwarded to Examiner
25	04-30-2003	Response to Election / Restriction Filed
24	03-25-2003	Mail Restriction Requirement
23	03-24-2003	Requirement for Restriction / Election
22	04-03-2001	Preliminary Amendment
21	08-21-2002	Case Docketed to Examiner in GAU
20	05-31-2002	Application Dispatched from OIPE
19	05-21-2002	IFW Scan & PACR Auto Security Review
18	04-29-2002	Notice of DO/EO Acceptance Mailed
17	04-04-2001	Additional Application Filing Fees
16	04-04-2001	A set of symbols and procedures, provided to the PTO on a set of computer listings, that describe in
15	11-26-2001	CRF Is Good Technically / Entered into Database
14	10-11-2001	Notice of DO/EO Defective Response Mailed.
13	09-20-2001	CRF Is Flawed Technically / Not Entered into Database
11	08-06-2001	CRF Disk Has Been Received by Preexam / Group / PCT
10	06-25-2001	Applicant 371 Filing Paper Received
9	05-18-2001	Notice of DO/EO Defective Response Mailed.

8	04-30-2001	Applicant 371 Filing Paper Received
7	04-26-2001	Notice of DO/EO Missing Requirements Mailed
6	04-25-2001	371 Application Preexamination Docketing
5	04-25-2001	371 Application Preexamination Docketing
4	04-12-2001	371 Application Preexamination Docketing
3	04-04-2001	Receipt of 371 Request
2	04-12-2001	Correspondence Address Change
1	04-04-2001	Initial Exam Team nn

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